



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



321728

FEB 03 2009

REPLY TO THE ATTENTION OF
S-6J

Honorable Richard H. Hyde
Mayor, City of Waukegan
100 N. Martin Luther King Jr. Avenue
Waukegan, Illinois 60085

Re: City of Waukegan's Second Request for Second Extension of Public Comment
Period
Waukegan Harbor (Outboard Marine Corporation) Site

Dear Mayor Hyde:

Thank you for your January 26, 2009, letter in which you renew the City of Waukegan's request for a second extension of the public comment period on the proposed plan for the Waukegan Harbor Record of Decision (ROD) Amendment. The U.S. Environmental Protection Agency previously declined your requests for a second extension of time by our letter dated January 23, 2009 and by my email to Ray Vukovich dated January 26, 2009.

It was only after careful consideration of the City's request that we originally declined to provide for a second extension of time of the public comment period. As set forth in our letter of January 23, 2009, we believe that the already extended public comment period of 90 days has afforded the City ample time and opportunity to comment on the proposed harbor cleanup plan. In addition, your letter of January 26, 2009, has not provided EPA with a basis on which to reconsider our decision to decline your second extension request. The Region made full disclosure of the Waukegan Harbor site administrative record (Record) by placing it on file at the Waukegan Public Library in November 2008. Also, as a courtesy, Kevin Adler of my staff, sent via email all of the electronic files included in the Record to your representative, Jeff Jeep, on December 3, 2008. As such, the City and its representatives have had ample time to access and evaluate all documents in the Record before submitting its comments.

The Record contains supporting documentation, reports, analysis, studies and memoranda that set forth the basis for the proposed plan. For example, I draw your attention to the Region's "Response to National Remedy Review Board Recommendations for the Waukegan Harbor Operable Unit of the Outboard Marine Corp. Superfund Site," which is included in the Record. This document contains the Region's scientific, technical, and legal analysis of the recommendations made by EPA's National Remedy Review Board for the proposed cleanup action at the Waukegan Harbor site. We believe that this

plan itself and at the public meeting held on November 13, 2008, provide the public with ample information on which to comment on the proposed plan.

The EPA will consider all of the letters recently written by you and other City representatives to be comments received during the public comment period for the ROD Amendment. The EPA will carefully evaluate these and other comments received during the comment period as we proceed with remedy selection. The selected remedy will be documented in the ROD Amendment. In addition, public comments received during the comment period will be addressed and included in a Responsiveness Summary, which will be issued with the ROD Amendment.

I look forward to receiving the City's formal comments on the proposed plan for cleanup of Waukegan Harbor. I can assure you that all the City's comments will be carefully considered as part of the remedy selection process.

Sincerely,

A handwritten signature in black ink, reading "Richard C. Karl". The signature is written in a cursive style with a large initial "R".

Richard C. Karl, Director
Superfund Division

cc: Mr. Jeffery D. Jeep
Jeep & Blazer, LLC